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LETTER DATED 10 JANUARY 2000 FROM THE CHARGÉ D'AFFAIRES A.I. OF THE PERMANENT MISSION OF YUGOSLAVIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to forward herewith the position of the Federal Government of the Federal Republic of Yugoslavia on violations of Security Council resolution 1244 (1999).

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Vladislav JOVANOVIC
Chargé d'affaires a.i.

00-24020 (E) 130100

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Annex

Position of the Federal Government of the Federal Republic of Yugoslavia on violations of Security Council resolution 1244 (1999)

1. Affirmation of the sovereignty and territorial integrity of the Federal Republic of Yugoslavia: In resolution 1244 (1999) the Security Council unambiguously confirms the sovereignty and territorial integrity of the Federal Republic of Yugoslavia in Kosovo and Metohija (10th preambular para., annex 2, para. 8). The Council limits the mandate of the international security (KFOR) and civilian (UNMIK) presences to the establishment of conditions for an unimpeded return of all refugees and displaced persons (annex 1, paras. 1 and 5; annex 2, paras. 1 and 4), a secure environment (para. 9 (c)), preservation of the multi-ethnic, multiconfessional and multicultural character of Kosovo and Metohija and of the basic civilian and administrative functions (para. 11 (b)), with a view to ensuring conditions for a political solution on the basis of the establishment of a substantial autonomy within the Federal Republic of Yugoslavia (para. 10).

2. Security of citizens: The Government of the Federal Republic of Yugoslavia notes with concern that KFOR and UNMIK have not fulfilled their obligations to guarantee security to all citizens in Kosovo and Metohija and to ensure a secure environment for the return of all refugees and internally displaced persons (para. 9 (c); annex 1, para. 5; annex 2, para. 7).

Disregarding the mandate they have been entrusted with and grossly violating Security Council resolution 1244 (1999), KFOR and UNMIK and the Special Representative of the Secretary-General of the United Nations, in particular, are directly responsible for the lawlessness and chaos prevailing in the province, for massive crime, usurpation of State and private property as well as for terror, killings, abductions and ethnic cleansing of Serbs and other non-Albanians.

3. Genocide and ethnic cleansing: Since the deployment of KFOR and UNMIK, on 12 June 1999, more than 350,000 non-Albanians, primarily Serbs and Montenegrins, as well as Roma, Muslims, Turks, Goranci and others, have been forcibly driven out of the province. As many as 768 Serbs were killed and 673 abducted. Not a single perpetrator of these serious criminal acts has been arrested or brought to justice, which clearly demonstrates the inefficiency of UNMIK police and their protective attitude towards Albanian terrorists. Most of these serious crimes have been committed by the members of the so-called Kosovo Liberation Army (KLA), later absorbed into the so-called Kosovo Protection Corps (KPC).

The remaining Serbs in the province have been subjected to constant terror and provocations and herded into a few enclaves. KFOR and UNMIK lack any serious willingness and readiness to protect the remaining Serbs and members of other non-Albanian ethnic groups in Kosovo and Metohija, who are exposed to constant terror and pressure to leave the province. KFOR and UNMIK have thus become direct accomplices in ethnic cleansing and genocide in this southern

Serbian province. A telling example of this is a months-old blockade of Orahovac by Albanian terrorists, who have virtually turned this town into the first Nazi-like ghetto in post-war Europe.

4. Destruction of cultural monuments: In their genocidal campaign of wiping out all Serbian heritage, Albanian terrorists have destroyed or damaged more than 80 monasteries and churches of the Serbian Orthodox Church, some of which date back to the twelfth century and represent part of not only Serbian cultural heritage but of world cultural heritage as well.

5. Tolerant attitude and support to terrorists: By their tolerant attitude towards a systematic campaign of ethnic cleansing and genocide against Serbs and other non-Albanian population, KFOR and UNMIK bear sole responsibility for the violation of the provisions of Security Council resolution 1244 (1999) on the preservation of the multi-ethnic, multiconfessional and multicultural character of the province. The failure of KFOR and UNMIK to implement Security Council resolution 1244 (1999) or their gross violations thereof represent the cause of lawlessness and chaos in the province.

6. Violation of the Security Council mandate: By his arbitrary and unilateral decisions the Special Representative of the Secretary-General of the United Nations and Head of UNMIK continuously and flagrantly violates the mandate set out in Security Council resolution 1244 (1999) and related documents. So far, he has issued 25 regulations, all of which have no basis in resolution 1244 (1999) and are aimed at severing all ties of the province with the Republic of Serbia and the Federal Republic of Yugoslavia - i.e., at completely separating the province from the constitutional, legal, economic, customs, monetary and banking system of the Federal Republic of Yugoslavia and the Republic of Serbia, which is in direct contravention of resolution 1244 (1999) and related documents which reaffirm the sovereignty and territorial integrity of the Federal Republic of Yugoslavia in Kosovo and Metohija.

The Special Representative has illegally seized all legislative, executive and judicial power in the province (Regulation 1999/1 of 25 July 1999). By his regulation 1999/3 of 31 August 1999, he established a separate customs service. By his regulation 1999/4 of 2 September 1999, he illegally transferred monetary functions to local authorities and introduced the deutsche mark as legal tender. With regulations 1999/16 and 1999/17 of 6 November 1999 and regulations 1999/20 and 1999/21 of 15 November 1999, he introduced a "Central Banking and Payments Authority" - i.e., a separate banking system in Kosovo and Metohija.

By his regulation 1999/5 of 4 September 1999 on an Ad Hoc Court of Final Appeal, he established a de facto supreme court of the province, while regulations 1999/6 and 1999/7 of 7 September 1999 regulated the administration of justice and prosecution in the province, which favours Albanians, while a large number of KLA members have been appointed as judges. Disastrous consequences are evident: so far, no terrorist has been brought to justice or convicted of serious crimes against the Serbs and other non-Albanians.

Entrusting the regulation of the importation, transportation, distribution and sale of petroleum products regime to illegal local authorities controlled by KLA, otherwise a prerogative of the State sovereign rule (regulation 1999/9 of

24 September 1999) constitutes a gross violation of Security Council resolution 1244 (1999).

The same situation prevails in connection with the control of payments and services, post and telecommunication services, granting permits for the establishment of financial institutions and registration of vehicles, all of which are uniformly regulated in the entire territory of the Federal Republic of Yugoslavia (regulations 1999/11 of 13 October 1999, 1999/12 of 14 October 1999, 1999/13 of 16 October 1999 and 1999/15 of 21 October 1999).

UNMIK has been illegally issuing personal documents (vital statistics records, intention to issue personal IDs) to residents, without the official Federal Republic of Yugoslavia State symbols, on the pretext that Albanians would not accept documents with official symbols of the Federal Republic of Yugoslavia and the Republic of Serbia. The policy of giving in to the Albanians is also in evidence in connection with the registration of the population.

Federal Republic of Yugoslavia State property has been illegally transferred to foreign legal persons (control of "Beopetrol" and "Jugopetrol" companies, forcible seizure of "Beobanka" branch offices, assigning mobile telephone network service to French "Alcatel").

By a decision of the Special Representative of the Secretary-General, Kosovo and Metohija has been taken out of the single power-supply system of Serbia and the Federal Republic of Yugoslavia and connected to the power supply systems of Albania and Macedonia, in gross violation of the sovereignty and territorial integrity of the Federal Republic of Yugoslavia.

By preventing the activities of media outlets in Serbian and by a forcible seizure of their premises and equipment, favouring at the same time the media in Albanian, the Special Representative of the Secretary-General has not only destroyed the single media system of the Federal Republic of Yugoslavia and the Republic of Serbia but has encouraged discrimination based on ethnicity, contrary to the provisions of Security Council resolution 1244 (1999) on the preservation of the multi-ethnic, multicultural and multiconfessional character of the province.

Without prior approval of the competent Federal Republic of Yugoslavia authorities, KFOR and UNMIK have established international traffic between the province and some States, including those with which the Federal Republic of Yugoslavia has no diplomatic relations. The establishment of local air, railway and other traffic between the province and other parts of the single Federal Republic of Yugoslavia territory has been prevented, which is particularly unacceptable.

7. Establishment of illegal organs of administration: By the policy of fait accompli and without consultations with legal representatives of the Republic of Serbia and the Federal Republic of Yugoslavia, the Special Representative illegally established the so-called Interim Administration Council, a de facto provincial "government", comprised exclusively of Albanians, mostly leaders of the terrorist so-called KLA and Albanian separatist political

parties, in an attempt to legalize an ethnically pure Kosovo and Metohija, contrary to Security Council resolution 1244 (1999).

8. Blocking a political settlement: UNMIK and the Special Representative do not accept dialogue and cooperation with representatives of the Governments of the Federal Republic of Yugoslavia and the Republic of Serbia on questions of interest for the stabilization of the overall security, economic and political situation in the province.

The contact between UNMIK and the Government of the Federal Republic of Yugoslavia concerning substantial autonomy and self-government in Kosovo and Metohija (resolution para. 11 (a); annex 1, para. 6; annex 2, para. 5) has not been established. The Special Representative continues to ignore repeated requests of the Government of the Federal Republic of Yugoslavia addressed to the Secretary-General and the Security Council to start negotiations on substantial autonomy in Kosovo and Metohija (para. 11 (a); annex 2, para. 8) between the legitimate representatives of the Republic of Serbia and the Federal Republic of Yugoslavia and the representatives of all ethnic communities in Kosovo and Metohija.

9. Control of the State border. KFOR and UNMIK do not carry out their obligation to control the State border of the Federal Republic of Yugoslavia towards Albania and Macedonia (para. 9 (g)), which is why more than 200,000 foreigners entered the territory of the Federal Republic of Yugoslavia, including a large member of the terrorists of the so-called KLA and criminal gangs, especially the narco-mafia, illegal arms and white slave traders etc., whereby Kosovo and Metohija has become the centre for the expansion of organized crimes throughout Europe. Illegal crossings into the Federal Republic of Yugoslavia have not stopped, despite the assurances by KFOR and UNMIK that they consistently implement their obligations arising from the resolution, regarding the safeguarding of the Federal Republic of Yugoslavia international border.

10. Return of the Army of Yugoslavia and Serbian police personnel: The return of the agreed number of Army of Yugoslavia members and Serbian police personnel to Kosovo and Metohija is still unjustifiably prevented and delayed (annex 2, para. 6), which encourages Albanian terrorists to continue their daily terror against the Serbs and other non-Albanians with a view to completing the ethnic cleansing of the province.

11. Demilitarization and disarmament of the so-called KLA: The terrorist so-called KLA has not been disarmed or demilitarized, which represents one of the most serious examples of the gross violation of Security Council resolution 1244 (1999) (para. 9 (b) and para. 15). Only a token quantity of antiquated arms were surrendered. Secret arms caches of terrorists are being discovered every day. The border with Albania and Macedonia has not been closed, whereby KFOR and UNMIK continue to make it possible for armed terrorists to enter the province and smuggle large quantities of arms. This has been testified by daily armed attacks of Albanians on Serbian enclaves, buses and other means of transport carrying Serbs and other non-Albanians as well as against their houses, land and other property.

12. Transformation of the so-called KLA: The establishment of the so-called Kosovo Protection Corps (KPC), which is made up of members of the terrorist so-called KLA (in Albanian translation "corps" means "force"), has in effect legalized this terrorist organization as well as its former leadership and enhanced its combat organizational structure. The leadership of the so-called KPC has retained a wide authority through "transformation", while its members publicly carry light weapons and hide their heavy weapons in hide-outs the location of which is known to KFOR. At the same time, the "KPC" leadership or the former leaders of the terrorist so-called KLA publicly state that "KPC", as a parallel structure of the so-called KLA, represents a model for the future "Kosovo Army".

13. Security and freedom of movement for international representatives: The passive attitude of KFOR and UNMIK towards the months-old Albanian blockade of the deployment of a Russian KFOR contingent in Orahovac confirms their protective stance towards Albanian terrorists and represents an open violation of resolution 1244 (1999) on security and freedom of movement of KFOR and UNMIK, as well as other international organizations (para. 9 (h)).

14. Legal status of the United Nations peacekeeping mission. Proceeding from the fact that Kosovo and Metohija is part of the sovereign territory of the Federal Republic of Yugoslavia, the Government of the Federal Republic of Yugoslavia, as the host country, has called, ever since the deployment of international security and civil presences under the auspices of the United Nations in Kosovo and Metohija, for a conclusion of an agreement with the United Nations on the legal status of the Mission. No such agreement has been reached, due to the refusal by the United Nations.

15. Para-diplomatic missions and visits by foreign officials: UNMIK has allowed the illegal establishment of para-diplomatic missions of some countries in Kosovo and Metohija in a gross violation of the principle of the sovereignty and territorial integrity of the Federal Republic of Yugoslavia.

Despite the repeated official protests by the Government of the Federal Republic of Yugoslavia addressed to the Security Council, the Secretary-General and KFOR and UNMIK, an illegal practice continues of establishing "diplomatic offices" of foreign States in Kosovo and Metohija, which constitutes a drastic violation of Security Council resolution 1244 (1999) and article 2 of the Vienna conventions on diplomatic and consular relations, as well as a hostile act towards a receiving country whose sovereignty is flagrantly violated, because it is done without its prior consent.

Ignoring the warnings and overriding the official protests by the Federal Republic of Yugoslavia, an unacceptable practice is being continued of not notifying the visits of foreign officials to Kosovo and Metohija, in violation of the provisions of resolution 1244 (1999) and its annex 2, paragraphs 5 and 8, and the Vienna Convention on Diplomatic Relations and the existing Yugoslav visa regime.

The Government of the Federal Republic of Yugoslavia insists that this illegal practice be immediately terminated and that the behaviour of all factors in the province be strictly in accordance with the provisions of the resolution and the applicable international conventions and practice.

16. Responsibility of KFOR and UNMIK: KFOR and UNMIK are responsible for disturbing developments in the province. By failing to comply with the clear responsibilities under resolution 1244 (1999) and the relevant documents or by interpreting them arbitrarily as well as by an inadmissibly tolerant attitude towards Albanian terrorists, KFOR and UNMIK bear full responsibility for the crimes of genocide and systematic ethnic cleansing that are being perpetrated against Serbs and other non-Albanians in their presence. In that way the United Nations peacekeeping mission is being used as a smoke screen and has in fact become an accomplice in these serious crimes.

17. Responsibility of the Security Council: Under resolution 1244 (paras. 19 and 20), the Security Council guarantees its implementation. In view of the tragic situation in Kosovo and Metohija and systematic violations of all crucial provisions of resolution 1244 (1999) and the Military Technical Agreement, the Federal Republic of Yugoslavia demands that the Security Council undertake energetic steps and measures for their consistent implementation without delay and prevent all attempts at departing, postponing to carry out or arbitrarily interpreting the provisions of the resolution.

In that context, the Government of the Federal Republic of Yugoslavia energetically demands that the Security Council rescind, without delay, all illegal decisions of the Special Representative and take other measures, as may be necessary, to have the situation in Kosovo and Metohija restored to the state prior to the said decisions.

All decisions of KFOR and UNMIK which are contrary to the resolution and related documents or constitute their gross violation or arbitrary interpretation, particularly regarding strict respect for the sovereignty and territorial integrity of the Federal Republic of Yugoslavia in the southern Serbian province, are considered by the Government of the Federal Republic of Yugoslavia null and void and cannot have any legal effect.